COMMITTEE FOR PUBLIC COUNSEL SERVICES

MINUTES OF MEETING

March 20, 2019

The monthly meeting of the Committee for Public Counsel Services was held in the Committee's conference room at 40B Bromfield Street, 1st Floor, Boston, MA on Wednesday**,** March 20, 2019, beginning at 5:35, p.m. R.J. Cinquegrana, Chairman, presiding.

MEMBERS PRESENT:	Messes. Alvarado and Ball Messrs. Demissie, Kociubes, Kennedy, and Miller Ms. Petropoulos, Mr. Rosenfeld and Ms. Shah Messrs. Stern and White
TELECONFERENCING:	Mr. Hernando

1. **Minutes of February 26, 2019 Meeting**

The minutes of the February 26, 2019 meeting were approved as presented.

2. **IT Update**

Daniel Saroff, Chief Information Officer, provided an update to the members regarding the technology issues the agency has been dealing with. On February 27, 2019 the servers were attacked by a ransomware virus that affected the data centers; the attack was facilitated by Trojan viruses (Trickbot and Emotec) that were controlled by a third-party. Due to an effective back-up policies, eliminating the ransomware virus and restoring from clean backups was not an issue. They key issue was ensuring that the Trojan viruses were cleared from all machines to ensure that we could not be attacked again. Once the attack was identified, all connections to the internet were severed, servers turned off, and connections between the offices and the data centers taken down to protect against further attacks while remediation efforts were launched. We isolated CPSC from the internet and each office from any other office or data center.

The billings system and case management systems (PICK/Ebill/Vbill/Tris/CMS) were not affected. Other steps that taken:

- Contracted with an outside vendor to assist in restoring the systems.
- Forensic consultants were brought in to deal with cyber security.
- Concentration on eradicating the Trojans to ensure the virus is not on systems.
- Protective (patching, hardening, improved logging) and detective measures were installed in the environment.

- Email has been restored but spotty.
- Data Centers were clean and starting the process of bringing servers back online.
- Multiple scans were being performed to ensure the viruses were not infecting PCs.
- The CASEY database was restored.
- Started the process of bringing some office locations back on-line – starting at small locations to ensure there are no issues.
- Changed permissions on all desktops.
- Discussions have been on-going with the comptroller's office to ensure payment to both private attorneys and expert vendors.
- Discussions with the CIO for the District Attorney's Association to assure them of the security of the email system.
- Identifying and implementing new and better practices.

Payments to attorneys and court cost vendors for bills received through February 28, 2019 were processed for payment on March 15, 2019. Another scheduled payment for bills received through March 20, 2019 will be processed on March 22, 2019.

The process for recovering the lost data will begin once everything is back and operating. The plan is to restore the data to unconnected servers to determine if the data can be cleaned.

Lisa Hewitt, General Counsel, informed the members that she informed the Attorney General's office and the Executive Office of Consumer Affairs of the Agency's IT issue with the ransomware virus and is continuing to engage them.

Anthony Benedetti, Chief Counsel, acknowledged the great work done by the IT unit working to get the agency back to full IT capacity as quickly as possible. He also acknowledged the work done by the Finance and Human Resource departments to ensure needs of staff were met. Finally, he acknowledged the entire staff who has risen to the occasion during this challenging time continuing to provide zealous representation to clients while not having access to files or emails. As an example, he mentioned being made aware of two adult criminal trials that occurred in Brockton – both not guilty.

Next steps will be to do a review and determine lessons learned, and to also create a business continuity plan so that if something similar happens again, a plan will be ready.

3. **<u>Contract – IT Consultants</u>**

Kevin Lucchetti, Chief Financial Officer, sought Committee approval for an emergency contract with Vancord related to the IT virus issue. Vancord was hired on an emergency basis to provide incident response services to determine the root cause of the ransomware virus. As part of the contract, vital system logs will be collected from servers, workstations, firewalls, and any other related infrastructure. A root cause analysis will be developed with recommended remediation and security control improvements. The estimated costs for FY 2019 are not expected to exceed $150,000, with $100,000 currently obligated.

MOTION: **Mr. Miller. That the Committee approve the contract with Vancord for FY 2019 for an amount not to exceed $150,000.**

SECOND: **Mr. Kociubes.**

VOTE: **Unanimous.**

4. **Farak and Dylan/Walsh Update**

Randy Gioia, Deputy Chief Counsel for the Public Defender Division, provided the following update:

Farak

- Notices were sent out to all defendants notifying them of the dismissal of their cases.
- A hotline was setup in Roxbury for potentially affected individuals to call; the hotline has received over 300 calls from people looking for information.
- Farak2 cases (all cases from 2009-2013) notices need to be set out.
- The Supreme Judicial Court ordered all Ruffin cases (defendants who pled out before they received the drug certification from the lab) be dismissed.
- CPCS is waiting for the trial court to create a form and a process to determine if anyone whose case was dismissed is eligible for reimbursement of fines and fees that were paid.

Dylan/Walsh

- The cases remain with Judge Kenton-Walker; who has received all written submissions from the parties and is reviewing them; she has indicated that she is satisfied with the written submissions and will not hold an evidentiary hearing.
- Appeals Attorney Rebecca Jacobstein is preparing draft Findings of Fact for consideration.

5. **Counsel Capacity Update**

Mr. Benedetti requested the practice area deputies to provide updates on the counsel capacity issue in their respective divisions.

Mental Health

Mark Larsen, Director of the Mental Health Division, provided the following update:

- Monitoring of lawyers approaching or reaching the 1,350 hours billing cap limit continues; two lawyers have reached the limit.
- Expected to lose two additional lawyers in March due to the cap and approximately six more in April. By the end of May, the MH panel will lose approximately 30% of the capacity to take cases due to the 1,350 billing cap limit.
- Guardianship cases currently do not have any attorney shortages.

- Staffing: Two new staff attorneys started in the Roxbury office and will start taking cases in June.

Adult Criminal

Vanessa Velez, Deputy Chief Counsel for the Private Counsel Division, provided the following update:

- Worcester County has seen an improvement in coverage; currently no clients without counsel and all duty days in district court are covered.
- Franklin County has no issues with clients without counsel; however increased difficulty with assigning duty days. From March to June, there are approximately 22 duty days without attorney coverage to cover the arraignment session.
- Hampden County has one client who was not held in custody without an attorney. Duty day assignments are an issue through the end of the fiscal year.
- A Superior Court training was held in January; 16 of the 32 participants were bar advocates, the remaining were staff attorneys.
- A District Court zealous advocacy training was held in March in Springfield; 13 of the participants were from western Massachusetts. Two additional trainings are scheduled for April and November.
- Positive feedback received from the private bar regarding the increase in daily bill hourly cap and the increase to in-court wait time.
- Kristen Dame, Director of Private Social Work Services, has developed a comprehensive plan to recruit additional social services experts and to educate the private bar on how to use them.

Children and Family Law

Michael Dsida, Deputy Chief Counsel for the Children and Family Law Division, provided the following update:

- Berkshire County currently has 25 individuals without counsel with delays between 5-9 days before counsel assigned.
- Hampden County has seen an increase in filings. As of March 11, 2019 there were 40 individuals without counsel with delays in assigning counsel.
- Franklin/Hampshire Juvenile Court and outlying courts in Worcester County are experiencing occasional shortages in counsel.
- Lowell has at least one child without an attorney assigned.
- Certification trainings will be held in late March in Springfield with approximately 15 western Massachusetts attorneys registered for the program.

Discussion ensued.

6. Budget Update

Ms. Hewitt provided an update on the FY 2019 budget. Both the House and the Senate passed a supplemental appropriation which replicated the language that was provided last year to allow the Committee, in certain circumstances, the authority to declare an emergency if it determines there is a limited availability of qualified private counsel appointed or assigned to care and protection in a county. The Bill allows the Committee to authorize a temporary increase in the rate of compensation up to $75 per hour, and will allow the Chief Counsel to raise the billable hourly cap up to 2,000. The Bill is waiting to either go to the conference committee or for the House to adopt the Senate amendments. It is expected to be on the Governor's desk shortly after for his signature.

Discussion ensued.

There being no further business to come before the meeting, the Committee adjourned into Executive Session at approximately 6:25 p.m.

Respectfully submitted,

/s/ Joseph L. Kociubes

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Joseph L. Kociubes, Vice-Chairman